

THURSDAY, MARCH 21, 1996

SEVENTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Bill Barron, Sequoyah Hills Presbyterian Church, Knoxville, Tennessee.

Representative Ritchie led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative DeBerry L.; death in family.

Representative Langster; illness.

Representative Fitzhugh; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 482: Rep(s). Kent as prime sponsor(s).

House Joint Resolution No. 490: Rep(s). Garrett as prime sponsor(s).

House Joint Resolution No. 492: Rep(s). Garrett as prime sponsor(s).

House Bill No. 1957: Rep(s). Williams(Union) and Cole(Carter) as prime sponsor(s).

House Bill No. 2067: Rep(s). Ridgeway, Williams(Williamson), White, Cole(Dyer), Pinion, Jackson, Westmoreland and Phelan as prime sponsor(s).

House Bill No. 2553: Rep(s). McDonald, Naifeh and McDaniel as prime sponsor(s).

House Bill No. 2762: Rep(s). Jackson as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Ford and Williams(Union) was/were removed as sponsor(s) of **House Bill No. 2430**.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 366, 370, 371 and 372; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 366 -- Memorials, Professional Achievement - Dr. Julie Brown Williams, Milken Family Foundation National Educator Award. by *Haynes, *Harper.

Senate Joint Resolution No. 370 -- Memorials, Recognition and Thanks - Washington County Jonesborough Library, 100th Anniversary. by *Womack.

Senate Joint Resolution No. 371 -- Memorials, Sports - 1995-1996 Central Middle School boys' basketball team, James C. Haile Tournament state champions. by *Womack.

Senate Joint Resolution No. 372 -- Memorials, Sports - 1995-1996 William James Junior High School girls' basketball team. by *Springer.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1966, 1968, 2394, 2521, 2582, 2605, 2607, 2666, 2959 and 3033; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1966** -- Jails, Local Lock-ups - Removes requirement that jailer of local jail must provide prisoners with at least two meals a day that must include specific food groups; replaces with requirement that prisoners must receive nutritionally balanced diet. Amends TCA Section 41-4-109. by *Leatherwood, *Rice, *Person, *Miller J, *Cohen.

Senate Bill No. 1968 -- Surveyors - Exempts surveyors over 65 from continuing education requirements. Amends TCA Section 62-18-106. by *Cooper.

***Senate Bill No. 2394** -- Criminal Offenses - Enacts "Prohibition of Female Genital Mutilation Act of 1996." Amends TCA Title 39, Chapter 13. by *Harper, *O'Brien, *Crutchfield, *Rice.

***Senate Bill No. 2521** -- Personnel Recruiting Services - Enacts "Tennessee Employment Agency Act." Amends TCA Title 47, Chapter 18 and Title 62, Chapter 31. by *Haynes, *Koella.

***Senate Bill No. 2582** -- County Government - Changes publishing requirement for county budget to ten days prior to budget being adopted by governing body Amends TCA Section 5-8-507. by *Atchley.

***Senate Bill No. 2605** -- Laundries and Dry Cleaners - Revises Drycleaner's Environmental Response Act by redefining "in-state wholesale distributor" to remove requirement that drycleaning solvents and supplies be primary business; provides that drycleaners collect solvent surcharge from in and out of state distributors Amends TCA Title 68, Chapter 217. by *Person.

Senate Bill No. 2607 -- Domestic Violence - Authorizes judges to require abusive spouse to seek counseling in domestic violence cases. Amends TCA Title 36. by *Kyle, *Miller J.

***Senate Bill No. 2666** -- Banks and Financial Institutions - Revises law concerning banking. Amends TCA Section 35-50-107; Title 45, and Title 48, Chapter 2, and Chapter 165 of the Public Acts of 1995. by *Cooper.

***Senate Bill No. 2959** -- Sunset Laws - Extends certain agencies which provide mental health and mental retardation services until June 30, 1998. Amends TCA Title 4, Chapter 29. by *Haynes.

***Senate Bill No. 3033** -- Banks and Financial Institutions - Requires financial institutions to disclose to borrower existence of dragnet, blanket or open-end clauses in

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

mortgages, deeds of trust or other documents evidencing debt; clause to be distinguishable from remainder of print by print size or placed inside border; failure to comply renders clause unenforceable. Amends TCA Title 47, Chapter 23. by *Fowler.

**MESSAGE FROM THE SENATE
March 21, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 387, 388 and 389; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 387 -- Memorials, Sports - 1995-1996 Austin Peay State University men's basketball team, Ohio Valley Conference champions. by *Rice, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 388 -- Memorials, Sports - 1995-1996 Austin Peay State University women's basketball team, Ohio Valley Conference regular season and tournament champions. by *Rice.

Senate Joint Resolution No. 389 -- Memorials, Death - Robert Bellamy, County Commissioner. by *Rice, *Henry.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 483** -- General Assembly, Studies - Creates special joint committee to study use of tobacco and tobacco products by minors. by *Jackson, *McMillan.

Agriculture Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 25, 1996:

House Resolution No. 195 -- Memorials, Recognition and Thanks - Brenda K. Monroe-Moses, "So I'll Just Shine in Tennessee." by *Kisber.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 25, 1996:

Senate Joint Resolution No. 366 -- Memorials, Professional Achievement - Dr. Julie Brown Williams, Milken Family Foundation National Educator Award. by *Haynes, *Harper.

Senate Joint Resolution No. 370 -- Memorials, Recognition and Thanks - Washington County Jonesborough Library, 100th Anniversary. by *Womack.

Senate Joint Resolution No. 371 -- Memorials, Sports - 1995-1996 Central Middle School boys' basketball team, James C. Haile Tournament state champions. by *Womack.

Senate Joint Resolution No. 372 -- Memorials, Sports - 1995-1996 William James Junior High School girls' basketball team. by *Springer.

Senate Joint Resolution No. 387 -- Memorials, Sports - 1995-1996 Austin Peay State University men's basketball team, Ohio Valley Conference champions. by *Rice, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 388 -- Memorials, Sports - 1995-1996 Austin Peay State University women's basketball team, Ohio Valley Conference regular season and tournament champions. by *Rice.

Senate Joint Resolution No. 389 -- Memorials, Death - Robert Bellamy, County Commissioner. by *Rice, *Henry.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3271 -- Hamilton County - Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended. by *Stulce, *Sharp, *McAfee, *Wood.

House Bill No. 3272 -- Hamilton County - Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended. by *Stulce, *McAfee, *Sharp, *Wood.

House Bill No. 3273 -- Hamilton County - Subject to local referendum, authorizes two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended. by *Stulce, *Sharp, *McAfee, *Wood.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 3274 -- Lauderdale County - Subject to local approval, abolishes county general hospital district. Repeals Chapter 626 of the Private Acts of 1937. by *Fitzhugh.

House Bill No. 3275 -- Manchester - Subject to local approval, authorizes holding of an advisory, nonbinding referendum. Amends Chapter 273 of the Private Acts of 1959. by *Lewis.

House Bill No. 3276 -- Englewood - Subject to local approval, changes date of town election to date of state general election in August of even-numbered years; changes certain provisions related to recorder and marshal. Amends Chapter 30 of the Acts of 1919. by *McKee.

House Bill No. 3277 -- Clarksville - Subject to local approval, authorizes parking authority to establish schedule of civil penalties and grievance procedures for violations of certain parking regulations. Amends Chapter 80 of the Private Acts of 1965. by *Head, *McMillan.

House Bill No. 3278 -- Marshall County - Subject to local approval, creates "Marshall County Adequate Facilities Tax." by *Fowlkes, *Beavers.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1966** -- Jails, Local Lock-ups - Removes requirement that jailer of local jail must provide prisoners with at least two meals a day that must include specific food groups; replaces with requirement that prisoners must receive nutritionally balanced diet. Amends TCA Section 41-4-109. by *Leatherwood, *Rice, *Person, *Miller J, *Cohen.

Senate Bill No. 1968 -- Surveyors - Exempts surveyors over 65 from continuing education requirements. Amends TCA Section 62-18-106. by *Cooper.

***Senate Bill No. 2394** -- Criminal Offenses - Enacts "Prohibition of Female Genital Mutilation Act of 1996." Amends TCA Title 39, Chapter 13. by *Harper, *O'Brien, *Crutchfield, *Rice.

***Senate Bill No. 2521** -- Personnel Recruiting Services - Enacts "Tennessee Employment Agency Act." Amends TCA Title 47, Chapter 18 and Title 62, Chapter 31. by *Haynes, *Koella.

***Senate Bill No. 2582** -- County Government - Changes publishing requirement for county budget to ten days prior to budget being adopted by governing body. Amends TCA Section 5-8-507. by *Atchley.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

***Senate Bill No. 2605** -- Laundries and Dry Cleaners - Revises Drycleaner's Environmental Response Act by redefining "in-state wholesale distributor" to remove requirement that drycleaning solvents and supplies be primary business; provides that drycleaners collect solvent surcharge from in and out of state distributors. Amends TCA Title 68, Chapter 217. by *Person.

Senate Bill No. 2607 -- Domestic Violence - Authorizes judges to require abusive spouse to seek counseling in domestic violence cases. Amends TCA Title 36. by *Kyle, *Miller J.

***Senate Bill No. 2666** -- Banks and Financial Institutions - Revises law concerning banking. Amends TCA Section 35-50-107; Title 45, and Title 48, Chapter 2, and Chapter 165 of the Public Acts of 1995. by *Cooper.

***Senate Bill No. 2959** -- Sunset Laws - Extends certain agencies which provide mental health and mental retardation services until June 30, 1998. Amends TCA Title 4, Chapter 29. by *Haynes.

***Senate Bill No. 3033** -- Banks and Financial Institutions - Requires financial institutions to disclose to borrower existence of dragnet, blanket or open-end clauses in mortgages, deeds of trust or other documents evidencing debt; clause to be distinguishable from remainder of print by print size or placed inside border; failure to comply renders clause unenforceable. Amends TCA Title 47, Chapter 23. by *Fowler.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3268 -- Dickson County -- Local Bill Held on Desk

House Bill No. 3269 -- Dyersburg -- Local Bill Held on Desk

House Bill No. 3270 -- Robertson County -- Local Bill Held on Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 21, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for March 25, 1996**: House Bill(s) No(s). 2234,2060,3161,3147,2997 and House Joint Resolution(s) No(s).451 and 453.

The Committee set the following bills on the **Regular Calendar for March 27, 1996**: House Bill(s) No(s). 1031, 2810,905, 3064 and Senate Bill(s) No(s).2143.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 25, 1996**: House Bill(s) No(s). 1958, 3216, 2952, 2999 and House Joint Resolution(s) No(s). 380.

CONSENT CALENDAR

House Resolution No. 194 -- Memorials, Academic Achievement - Mary Brooks, Coca Cola Scholarship Program's National Competition. by *Buck.

House Joint Resolution No. 480 -- Memorials, Death - R.D. Laster. by *Givens.

House Joint Resolution No. 482 -- Memorials, Retirement - Joseph Anderson Clanton, President of Briarcrest Christian School System. by *Hassell.

House Joint Resolution No. 484 -- Memorials, Public Service - Lt. Gov. John S. Wilder, National Association of Conservation Districts. by *Napier, *Naifeh.

House Joint Resolution No. 485 -- Memorials, Sports - Burell Crowell. by *Lewis.

House Joint Resolution No. 486 -- Memorials, Personal Achievement - Cora Beasley Sweatt, Athens Area Chamber of Commerce Mother of the Year. by *McAfee.

House Joint Resolution No. 487 -- Memorials, Public Service - Edwin Hubbard, Germantown Music Director, Lions Club 1995 Citizen of the Year. by *Shirley.

House Joint Resolution No. 488 -- Memorials, Sports - LaDonna McClain, Ohio Valley Conference Coach of the Year. by *Head, *McMillan.

House Joint Resolution No. 489 -- Memorials, Personal Achievement - Jason Adrew Brown, Eagle Scout. by *Byrd.

House Joint Resolution No. 490 -- Memorials, Public Service - Una Elementary School, support of WellKids program. by *West.

House Joint Resolution No. 491 -- Memorials, Recognition and Thanks - Cedar Springs Presbyterian Church, bicentennial anniversary. by *Garrett.

House Joint Resolution No. 492 -- Memorials, Public Service - Tulip Grove Elementary School, WellKids program. by *West.

Senate Joint Resolution No. 385 -- Memorials, Death - Representative Harold M. Love of Nashville. by *Harper, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Rep. Napier moved that all members voting aye on **House Joint Resolution No. 484** be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 385: by Rep. Pruitt.

Under the rules, Senate Joint Resolution: 385 was/were placed at the foot of the calendar for March 25, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....95
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1539 -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by *Winningham, *McAfee, *Duer, *Curtiss. (*SB1333 by *Burks)

Further consideration of House Bill No. 1539, previously considered on April 6, 1995, April 10, 1995 and April 13, 1995, at which time Amendment No. 1 was withdrawn, Amendment No. 2 and Amendment No. 3 were adopted and Amendment No. 4 was tabled. House Bill No. 1539 was further considered on May 11, 1995, May 17, 1996 and February 29, 1996, and reset to today's Calendar.

Rep. McAfee requested that House Bill No. 1539 be moved to the heel of the Calendar.

***House Bill No. 2762** -- Motor Vehicles, Titling and Registration - Provides for issuance of "KIDS FIRST!" license plates; specifies usage of additional revenues derived from issuance. Amends TCA Title 55, Chapter 4. by *Purcell. (SB3009 by *Elsa, *Rice)

Rep. Purcell moved that **House Bill No. 2762** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2765 -- Metropolitan Government - Permits metropolitan government employees to be represented before civil service commission by association representative. Amends TCA Title 7. by *Purcell. (*SB2860 by *Haynes)

Rep. Purcell moved that House Bill No. 2765 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2765 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

Section _____. For any county with a metropolitan form of government which has adopted a labor policy establishing the right of its employees to join an employee organization and which has a procedure for establishing exclusive representation status of an employee organization, an employee may be represented before any board, agency, civil service commission, hearing officer, or other body empowered to impose discipline or otherwise deal with wages, hours, and working conditions of employees by a representative from the employee organization which has been designated as the exclusive representative for such employees. Any such employee

shall be entitled to select as their spokesperson or representative for the purpose of providing aid and assistance in any proceeding before any such board, agency, commission, hearing officer, or entity, notwithstanding any other code section to the contrary. Such assistance or representation by a member or employee of the exclusive representative for such employee shall not be considered law practice or law business as may be defined in the Tennessee Code Annotated. Such representation does not include representation in any court of law, or in any judicial proceeding. Nothing in this section prevents such employee from being represented by an attorney if the employee or the exclusive representative so chooses.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2765**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Bird, Coffey -- 2.

A motion to reconsider was tabled.

House Bill No. 2553 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates promoting agriculture. Amends TCA Title 55, Chapter 4, by *Givens, *Cole (Dyer), *Phelan, *Napier, *Windle, *Walley, *Callicott, *Williams (Union). (*SB2642 by *Burks)

Rep. Givens moved that **House Bill No. 2553** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2517 -- Insurance, Motor Vehicles - Permits insurance companies to use electronic imaging of signatures to comply with requirements concerning accepting or rejecting uninsured motorist insurance. Amends TCA Section 56-7-1201. by *Cole (Dyer). (*SB2374 by *Rochelle)

On motion, House Bill No. 2517 was made to conform with **Senate Bill No. 2374**; the Senate Bill was substituted for the House Bill.

Rep. Cole(Dyer) moved that **Senate Bill No. 2374** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2718 -- County Officers - Authorizes Dyer County trustee, in the trustee's discretion, to accept property taxes after July 10 and after tax rates finally set, tax rolls received and receipts prepared. Amends TCA Section 67-1-702. by *Cole (Dyer). (*SB2991 by *Hamilton)

On motion, House Bill No. 2718 was made to conform with **Senate Bill No. 2991**; the Senate Bill was substituted for the House Bill.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

Rep. Cole(Dyer) moved that **Senate Bill No. 2991** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2105 --** Boards and Commissions - Requires appointments to boards, commissions, councils and committees be made to achieve minority and gender balance in relation to population of area represented by such entity. by *Pruitt. (SB2337 by *Dixon)

Rep. Pruitt moved that House Bill No. 2105 be passed on third and final consideration.

Rep. Haley moved the previous question, which motion prevailed by the following vote:

Ayes.....	63
Noes	25

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bowers, Buck, Burchett, Byrd, Cantrell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., Eckles, Ford, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kisber, Lewis, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 63.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

Representatives voting no were: Armstrong, Bittle, Boyer, Bragg, Brooks, Brown, Callicott, Chumney, Clabough, Duer, Dunn, Fowlkes, Herron, Kerr, McAfee, McDaniel, McDonald, Peach, Ramsey, Stulce, Venable, Westmoreland, Whitson, Williams (Union), Wood -- 25.

Rep. Pruitt moved that **House Bill No. 2105** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	16
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Brooks, Brown, Buck, Byrd, Cantrell, Chumney, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Ford, Fowlkes, Garrett, Givens, Halteman, Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, McDaniel, McDonald, McMillan, Miller, Napier, Odom, Patton, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, White, Whitson, Williams (Williamson), Windle, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Burchett, Callicott, Clabough, Dunn, Gunnels, Haley, Joyce, McAfee, Peach, Ramsey, Sharp, Shirley, Stulce, Westmoreland, Williams (Union), Wood -- 16.

Representatives present and not voting were: Boyer, Bragg, McKee, Newton, Pinion, Venable, Winningham -- 7.

A motion to reconsider was tabled.

House Bill No. 2640 -- Budget Procedures - Changes, from August 1 to September 1, date on which proposed budget becomes effective by operation of law if county legislative body fails to adopt budget. Amends TCA Section 5-12-210. by *Fowlkes, *Cole (Dyer). (*SB2509 by *Womack, *Rice)

On motion, House Bill No. 2640 was made to conform with **Senate Bill No. 2509**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 2509, be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Fowlkes moved that **Senate Bill No. 2509** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
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Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2212** -- Law Enforcement - Requires notification of next of kin of death or serious injuries in accidents before statement released to press Amends TCA Title 38, Chapter 1. by *Stulce, *Sharp, *Wood, *McAfee, *Brown. (SB2400 by *Crutchfield)

Rep. Stulce moved that House Bill No. 2212 be passed on third and final consideration.

Rep. Williams(Williamson) moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2212 by adding the following to the end of the amendatory language of SECTION 1:

For purposes of the notification requirements of this section, the investigating officer shall make the determination, based upon such officer's personal opinion, as to whether a person is "seriously injured". Neither the officer nor the officer's employer shall incur any liability based upon such officer's opinion as to whether a person is seriously injured or not.

On motion, Amendment No.1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2212 by deleting the first two sentences of Section 38-1-106 of the amendatory language of SECTION 1 and substituting instead the following:

Law enforcement officers and employees of law enforcement agencies shall make a reasonable effort to promptly notify the next of kin of any person who has been killed or seriously injured in an accidental manner before any statement, written or spoken, is delivered or transmitted to the press by any law enforcement official, employee or agency, disclosing the decedent's or seriously injured person's name.

On motion, Amendment No. 2 was adopted.

Rep. Stulce moved that **House Bill No. 2212**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	90
Noes	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Bird, Westmoreland -- 2.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1957 -- Jails, Local Lock-ups - Removes requirement that jailer of local jail must provide prisoners with at least two meals a day that must include specific food groups; replaces with requirement that prisoners must receive nutritionally balanced diet. Amends TCA Section 41-4-109. by *Kent. (*SB1966 by *Leatherwood, *Rice, *Person, *Miller J, *Cohen)

On motion, House Bill No. 1957 was made to conform with **Senate Bill No. 1966**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 1966, be passed on third and final consideration. On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 1966** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 68
Noes 2
Present and not voting..... 5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Bell, Phillips -- 2.

Representatives present and not voting were: Brooks, Brown, Chumney, Kernell, Towns -- 5.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from present and not voting to aye on Senate Bill No. 1966 and have this statement entered in the Journal: Rep(s). Chumney.

REGULAR CALENDAR, CONTINUED

House Bill No. 2930 -- Loan Companies - Requires title pledge lenders to utilize standardized consumer notification and disclosure forms prior to entering into any property pledge agreement or title pledge agreement wherein pledged property consists of motor vehicle. Amends TCA Title 45, Chapter 15, Part 1. by *Boyer. (*SB2995 by *Atchley)

On motion, House Bill No. 2930 was made to conform with **Senate Bill No. 2995**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 2995 be passed on third and final consideration.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

On motion, Rep. Armstrong withdrew Consumer & Employee Affairs Committee Amendment No. 1.

On motion, Rep. Armstrong withdrew Consumer & Employee Affairs Committee Amendment No. 2.

Rep. Boyer moved that **Senate Bill No. 2995** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2188 -- Hospitals and Health Care Facilities - Specifies continuing educational courses required for renewal of licenses for administrators of residential homes for aged/assisted living homes. Amends TCA Title 68, by *Patton, *Cole (Carter), *Whitson, *Kerr, *Wood, *McAfee, *Coffey, *Kent, *Joyce. (*SB2189 by *Crowe)

Rep. Patton moved that House Bill No. 2188 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 2188 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 68-11-209(d), is amended by adding the following new subdivisions thereto, to be appropriately designated:

() The twenty-four (24) hours of continuing education courses required by subdivision (1) shall include the following:

- (A) State rules and regulations for homes for the aged;
- (B) Health care management;
- (C) Nutrition and food service;
- (D) Financial management; and
- (E) Health lifestyles

() Persons conducting continuing education courses pursuant to this subsection shall be subject to the following:

(A) A program offered for credit must be related to the operations of the homes for the aged, the activities of daily living of the residents, or other pertinent information deemed appropriate to the quality of life for residents;

(B) All curricula pertaining to the educational courses and the names of the instructors must be submitted to the board for approval prior to offering any course to administrators.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Patton moved that House Bill No(s). 2188 be reset to the Regular Calendar for March 27, 1996, which motion prevailed.

***House Bill No. 1947** -- Juries and Jurors - Exempts full time law enforcement officers from jury duty Amends TCA Title 22, Chapter 1. by *Stamps. (SB1942 by *Wright)

On motion, House Bill No. 1942 was made to conform with **Senate Bill No. 1942**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 1942, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Stamps moved that **Senate Bill No. 1942** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Givens -- 1.

A motion to reconsider was tabled.

***House Bill No. 2067 --** Crime, Victims of - Requires department of correction to notify victim at least 90 days prior to release of inmate with sentence of two years or more if inmate being released because sentence expires. Amends TCA Section 40-38-103 and Title 41, Chapter 21, Part 2. by *Herron. (SB2171 by *Cohen)

Rep. Herron moved that House Bill No(s). 2067 be reset to the Regular Calendar for March 25, 1996, which motion prevailed.

***House Bill No. 2430 --** Education, Higher - Provides for area health education centers programs. Amends TCA Title 68. by *Whitson, *Cole (Carter), *Westmoreland, *Patton, *Venable, *Williams (Union), *Ramsey, *Roach, *Hicks, *Davis, *Huskey, *Givens, *Ford S, *Pruitt. (SB2902 by *Dixon, *Crowe, *Harper)

Rep. Whitson moved that House Bill No. 2430 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2430 by deleting subsection (a) of Section 6 and by substituting instead the following language:

(a) In order to effectuate the provisions of Sections 4 and 5, East Tennessee State University, Meharry Medical College, and the University of Tennessee, Memphis shall be charged to initiate or further develop programs

designed below through individual AHEC programs inclusive of existing centers.

AND FURTHER AMEND by deleting from subsection (b) of Section 6 the language "the counties of".

AND FURTHER AMEND by deleting from subsection (a) of Section 7 the language "developed" in the first sentence.

AND FURTHER AMEND by deleting from subsections (b) and (c) of Section 14 the language "area health education center program" wherever it may occur and by substituting instead the language "grand division".

On motion, Amendment No. 1 was adopted.

Rep. Bittle moved adoption of Amendment No. 2.

Amendment No. 2

AMEND House Bill No. 2430 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall be null and void unless the general appropriations act provides an appropriation for the estimated first year's funding pursuant to Article II, Section 24, of the constitution of the state of Tennessee.

Rep. Purcell moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.....	55
Noes	37

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., Eckles, Garrett, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rinks, Ritchie, Robinson, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, McKee, Newton, Patton, Peach, Ramsey, Roach, Sharp, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 37.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Whitson moved that **House Bill No. 2430**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	25

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Eckles, Garrett, Givens, Halteman Harwell, Hargrove, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Lewis, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Duer, Dunn, Ford, Gunnels, Haley, Hassell, Joyce, Kent, Kerr, McAfee, McDaniel, Peach, Stamps, Walley, Williams (Union), Wood -- 25.

A motion to reconsider was tabled.

House Bill No. 1419 -- General Assembly, Studies - Creates special joint committee to study integration of ex-offenders into society. by *DeBerry J, *Miller L, *Jones R (Shelby), *DeBerry L. (*SB1155 by *Kyle)

Rep. DeBerry J. moved that House Bill No(s). 1419 be reset to the Regular Calendar for March 27, 1996, which motion prevailed.

***House Joint Resolution No. 439** -- Highway Signs - "Clarence Pete Phillips Highway," State Highway 231, Bedford County. by *Windle.

Rep. Windle moved that **House Joint Resolution No. 439** be adopted and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable,

Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Phillips -- 1.

A motion to reconsider was tabled.

Senate Bill No. 2278 -- Mobile Homes and Manufactured Buildings - Codifies certain regulations for permits and movement of overdimensional or overweight vehicles transporting manufactured housing. Amends TCA Title 55, Chapter 4, Part 4; Section 55-7-209 and Title 68, Chapter 126. by *Haun, *Wallace, *Wright, *Koella, *Miller J, *Atchley, *O'Brien, *Springer, *Crowe. (*HB2103 by *Kisber, *Burchett)

Further consideration of Senate Bill No. 2278, previously considered on March 20, 1996, at which time the Senate Bill was substituted for the Senate Bill and Amendment No. 1 was withdrawn, and reset to today's Calendar.

Rep. Kisber moved that Senate Bill No. 2278 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2278 in the amendatory language of Section 1 by deleting subsections (c) and (d) in their entirety and substituting instead the following:

(c) Notwithstanding any rule or regulation to the contrary, special permits as provided in Tennessee Code Annotated, Section 55-7-205, shall be required for the movement of all manufactured houses or portable modular units (hereafter referred to as "manufactured home") in excess of eight feet six inches (8' 6") in width or when towing vehicle and manufactured home is in excess of sixty feet (60') in length. No overall length limitation shall be imposed. A special permit shall be required where the overall height does not exceed fifteen feet six inches (15' 6"). Permits issued for manufactured homes which have a height of more than thirteen feet six inches (13' 6") shall require special routing. The transporter and the seller of the manufactured home, if the seller is a different person or entity, moving a manufactured home requiring special routing because of the height of the manufactured home shall have the affirmative duty to determine that (1) the undercarriage for the manufactured home is equipped with adequate brakes that are operated from the towing vehicle, and (2) the permitted route allows safe passage of the manufactured home based on the height thereof. The duty shall be primarily the transporter's duty. The seller shall be secondarily liable. The affirmative duty to determine the safe passage may be met by use of a front escort vehicle having protrusions equal to the height of the permitted vehicle. Notwithstanding any other provision of law

to the contrary, by accepting a permit requiring special routing because of the height of the manufactured home, the transporter and the seller, jointly and severally, agree to hold harmless and indemnify the department of transportation from any and all claims resulting from damage to the manufactured home, or caused by the manufactured home, striking an overhead structure or obstruction while traveling on the public roads or highways of the state. The limits of said indemnification and the state's exposure to litigation which shall result from the issuance of a permit by the department of transportation pursuant to this section shall match the limits set by Tennessee Code Annotated, Section 9-8-307, as it may be from time to time amended and construed or the amount of minimum insurance coverage required by the department of commerce and insurance for "for hire" transporters, whichever is less.

(d) Notwithstanding any other rule or regulation to the contrary, for movements of manufactured homes over fourteen feet (14') but not exceeding sixteen feet (16') in width, special permits shall be required for movements during the times allowed Monday through Saturday. Special permits required by this act shall be valid for six (6) days during which movement is allowed beginning with and including the first day of permitted movement.

AND FURTHER AMEND by renumbering the existing Section 2 as Section 3 and inserting the following as a new Section 2:

Section 2. Tennessee Code Annotated, Section 55-4-407(a), is amended by deleting the language "C misdemeanor" and substituting instead the language "B misdemeanor, punishable only by a fine not to exceed one hundred dollars (\$100)".

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **Senate Bill No. 2278**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1539 -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by *Winningham, *McAfee, *Duer, *Curtiss. (*SB1333 by *Burks)

Further consideration of House Bill No. 1539, previously considered on today's Calendar.

Rep. Winningham moved that House Bill No(s). 1539 be reset to the Regular Calendar for March 27, 1996, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2889 -- Municipal Government - Specifies that cities within specified distances from existing cities may incorporate under certain circumstances. Amends TCA Title 6. by *Callicott. (*SB3058 by *Jordan)

Senate Amendment No. 1

AMEND House Bill No. 2889 by adding at the end of the section added by Senate State & Local Government Committee Amendment #1 the following language:

Provided, however, in an adjoining county an existing municipality that is within the specified distance may also use the procedure authorized by this act.

Rep. Callicott moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2889**, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 30: Rep(s). Pinion, Wood, Huskey, Dunn, Cole(Carter), Westmoreland, Boyer, Stamps as prime sponsor(s).

House Bill No. 1272: Rep(s). Huskey as prime sponsor(s).

House Bill No. 2539: Rep(s). Walley as prime sponsor(s).

House Bill No. 2563: Rep(s). Whitson as first prime sponsor(s).

House Bill No. 3198: Rep(s). Brown as prime sponsor(s).

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 478; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

March 21, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 482.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 420, 467, 468, 470, 471, 472 and 473; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3239, 3242, 3253, 3254, 3255, 3258, 3261, 3262 and 3263; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

March 21, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1949, 2052, 2405, 2427, 2525 and 3100; House Joint Resolution(s) No(s). 441, 465 and 466; also, House Resolution(s) No(s). 193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 21, 1996

The Speaker signed the following: House Bill(s) No(s). 1949, 2052, 2405, 2427, 2525 and 3100; House Joint Resolution(s) No(s). 441, 465 and 466; also, House Resolution(s) No(s). 193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2407 and 2925; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 773, 2071 and 2333; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1949, 2052, 2405, 2427, 2525 and 3100; also, House Joint Resolution(s) No(s). 441, 465 and 466; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 482; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

March 21, 1996

The Speaker signed the following: Senate Bill(s) No(s). 773, 2071 and 2333.

REPORT OF CHIEF ENGROSSING CLERK

March 21, 1996

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1949, 2052, 2405, 2427, 2525 and 3100; also, House Joint Resolution(s) No(s). 441, 465 and 466.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

March 21, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2105, 2212, 2430, 2553, 2762 and 2765; also, House Joint Resolution(s) No(s). 439, 480, 484, 485, 486, 487, 488, 489, 490, 491 and 492.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 21, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 374, 375, 376, 377, 378, 379, 380, 381, 382 and 383; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 374 -- Memorials, Professional Achievement - Paula Hayes, Tennessee Teacher of the Year nominee. by *Rice.

Senate Joint Resolution No. 375 -- Memorials, Professional Achievement - Linda Davis, Tennessee Teacher of the Year nominee. by *Rice.

Senate Joint Resolution No. 376 -- Memorials, Sports - Ollie Keller, Tennessee Sports Hall of Fame inductee. by *Gilbert, *Cohen, *Henry.

Senate Joint Resolution No. 377 -- Memorials, Professional Achievement - Virginia Faye Hochnedel. by *Koella, *Burks, *Atchley.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

Senate Joint Resolution No. 378 -- Memorials, Death - James Russell Moore. by *Wright.

Senate Joint Resolution No. 379 -- Memorials, Professional Achievement - Joan Gustafson, state teachers award nominee. by *Rice.

Senate Joint Resolution No. 380 -- Memorials, Personal Occasion - Paul and Charlotte Hughes, 50th wedding anniversary. by *Crutchfield.

Senate Joint Resolution No. 381 -- Memorials, Recognition and Thanks - Andrew Johnson Elementary School, WellKids program. by *Holcomb.

Senate Joint Resolution No. 382 -- Memorials, Recognition and Thanks - Andrew Jackson Elementary School, Wellkids program. by *Holcomb.

Senate Joint Resolution No. 383 -- Memorials, Death - John C. Yeary. by *Holcomb.

MESSAGE FROM THE SENATE
March 21, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2234, 2461, 2497, 2601, 2720 and 2875; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2234** -- Highways, Roads and Bridges - Includes segment of S.R. 169 (Middlebrook Road) in Knox County in scenic highway system. Amends TCA Title 54, Chapter 17. by *Gilbert.

***Senate Bill No. 2461** -- Business and Commerce - Requires vendors selling new and unused personal property at flea markets to maintain records of where such property was obtained; makes such records open for inspection by law enforcement officers. Amends TCA Title 39, Chapter 14, Part 1. by *McNally.

Senate Bill No. 2497 -- Health - Enacts "Hepatitis A Protection and Control Act.". by *Ford J.

***Senate Bill No. 2601** -- Gas, Petroleum Products, Volatile Oils - Establishes procedures relative to underground petroleum storage tanks when lender acquires such property by foreclosure on security interest. by *Leatherwood.

***Senate Bill No. 2720** -- Environmental Preservation - Increases scope of petroleum cleanup criteria under Petroleum Underground Storage Act by retroactively applying it to soil and groundwater; applies to soil and groundwater in any mandatory cleanup of petroleum. Amends TCA Section 68-215-102 and 68-215-127. by *Kyle.

THURSDAY, MARCH 21, 1996 -- SEVENTY-SEVENTH LEGISLATIVE DAY

Senate Bill No. 2875 -- Sexual Offenses - Prohibits expungement of record of person pleading guilty to sex offenses against minor. Amends TCA Section 40-15-105 and Section 40-35-313. by *Leatherwood, *Person.

**SIGNED
March 21, 1996**

The Speaker signed the following: Senate Bill(s) No(s). 2084, 2170, 2211, 2322, 2339, 2591, 2633, 2774, 2868 and 3233; also, Senate Joint Resolution(s) No(s). 363.

**CONSENT CALENDAR
March 21, 1996**

The following local bills have been placed on the Consent Calendar for **March 25, 1996**: House Bill(s) No(s). 3249, 3265 and 3266.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep, Purcell, the House recessed until 5:00 p.m., Monday, March 25, 1996.